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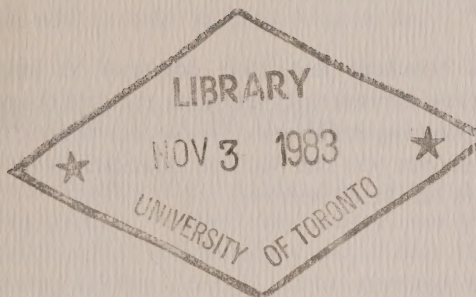
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GETTING INTO THE ACT.



THE
PLANNING
ACT



PLANNING FOR TODAY AND TOMORROW

Land use planning affects almost every aspect of community, neighbourhood and rural living in Ontario. It concerns decisions on where homes and factories are built, or where parks are located—decisions that affect where roads and sewers will be provided, and where hospitals, schools, and other essential facilities should be located.

Land use planning can affect all of us directly, as property owners or tenants. Often we seem to learn of something happening when the bulldozers arrive next door. Those planning notices that appear in the newspaper—often in fine print— or that are included with your water bill might affect land use in your area.

This brochure has been prepared to help you become familiar with the rules and process of land use planning in Ontario. The sooner you are aware, the sooner you can become informed so that your views can be considered.

What is the Planning Act?

The Planning Act was first passed in 1946. After a comprehensive review, including extensive public involvement, a revised Planning Act came into force on August 1, 1983.

The Act sets out the basic ground rules for how our communities will be planned, restructured and preserved.

It is the responsibility of your municipal council to decide how it wants your community to grow. To do so, council follows the provisions of the Act and sets down its intentions in planning documents known as the *official plan* and the *zoning bylaw*.

The Planning Act contains all the information that *anyone* involved in the planning process, be it elected member of council or ratepayer, must be familiar with in order to know what to do.

What does the Act mean to me?

You, as a member of the public, have a role in the planning process. Council must inform you of its intention to adopt official plans and, if they affect you, zoning bylaws. As well, public meetings must be held so that interested citizens can present their views. If you or your neighbour do not agree with a decision made by council, you have the option to appeal that matter to a tribunal known as the Ontario Municipal Board (OMB), for a public hearing.

What is an Official Plan?

An official plan is the basic planning document that sets out the long-range strategy on how land in the municipality should be used in the future and what

services will be needed to accommodate anticipated growth. It identifies the general areas where uses such as housing, industry or agriculture are permitted, and provides a guide for decision-making on requests to use land for purposes other than those in the plan.

No bylaw may be passed and no public work undertaken by a municipality or school board that does not agree with the plan. For example, a sewer or road cannot be built if it conflicts with the official plan.

When council decides to develop or amend an official plan, notice *must* be given and a public meeting held before a decision is made.

The public must have at least 30 days advance notice of the meeting, unless a municipality has set out in its official plan different methods to involve the public.

Once the public meeting has been held, council may adopt the official plan or amendment. This can occur anytime after the public meeting, but notice of council's decision must be given within 15 days. The proposed plan and supporting material must then be submitted to the Minister for approval. Plans and amendments only become "official" when approved either by the Minister or by a regional municipality or county acting on the Minister's behalf.

At this point, the plan is discussed with other ministries and/or agencies that may have an interest in it. The Minister may then approve the plan as it is, change it, or in some cases, refuse it. However, before rejecting or modifying a plan, the Minister must consult with the municipal council.

If certain issues cannot be resolved, part or all of a plan may be sent to the OMB. This means that controversial issues can once again be reviewed

before an independent tribunal. If asked to refer the plan to the OMB, the Minister must do so unless the request does not seem serious. For this reason, a request for referral must be supported with written reasons.

While an official plan can be reviewed at any time, council must hold a public meeting at least once every five years, to consider whether the plan needs to be changed. If a plan needs to be changed, the Minister can direct a council to review it.

What is a Zoning Bylaw?

While the official plan sets out the framework for future change and development, zoning bylaws put such plans into effect and provide for the day-to-day administration of planning.

A zoning bylaw defines exactly what can take place on an area of land and how structures are to be located on a property. Restrictions on use are designed to separate incompatible uses; for instance, prohibiting factories in residential areas.

Zoning bylaws can specify the types of dwellings permitted, floor area, parking and loading requirements, maximum building height and minimum setback from the street.

When council is dealing with a zoning bylaw, the public must be informed. Before it is passed, a public meeting must be held with at least 30 days advance notice.

To make the process more flexible, a municipality may develop alternative public involvement procedures as in the official plan process.

If a proposed bylaw is revised after a public meeting, council can decide if any further public notice is necessary. After council makes a final decision,

notice of the decision must be provided. Anyone wishing to appeal has 35 days from the time the bylaw is passed. If no appeal is made at this time, the bylaw automatically comes into effect.

A notice of appeal objecting to the bylaw and the reasons in support of it must be filed with the municipal clerk.

Once the OMB receives an appeal it usually schedules a hearing. The OMB may dismiss an appeal without a full hearing if it determines that the objection is “insufficient”. However, it must give the person who appealed a chance to make representations on the merits of the appeal.

After hearing the evidence, the Board may dismiss an appeal or approve the bylaw, in whole or in part, and direct the municipality to make the appropriate changes.

The decision of the Board is final, except where the Minister has indicated that the bylaw affects a matter that is of “provincial interest”. This is similar to the process under the official plan.

Are there different types of Zoning Bylaws?

Yes. Specialized types of zoning bylaws may be used to control land use in situations where normal controls may not be appropriate. For example, the future use of land could be set out, but development delayed, until necessary services such as sewers are installed. Also, council can zone any land or buildings for “temporary” uses for renewable periods of up to three years.

Municipalities can place a temporary “freeze” on land use for one year, in order to revise existing or introduce new land policies.

Municipalities may pass “site plan control” bylaws

to secure specific controls over particular types of development proposals, such as apartment buildings.

Where a municipality has a zoning bylaw, council may appoint a “committee of adjustment” to deal with minor variances to zoning, and to other municipal bylaws that implement the official plan. This avoids the need to get a formal bylaw amendment where a proposed action is essentially in keeping with the bylaw, but cannot conform precisely. For example, a zoning bylaw may require a 3-metre building setback. But in doing renovations, someone might find that he can only achieve a 2.5 metre setback.

In the case of both official plans and zoning bylaws, they must conform with an approved county or regional municipality’s official plan. If a local council does not make the necessary changes within a year, the county or regional municipal council can do it directly.

What is the Province’s role in Land Use Planning?

The provincial government provides direction and advice to municipalities on many planning and development issues. In fact, the province must approve a municipality’s official plan. Also, the province ensures that broad interests such as the protection of agricultural lands are taken into account by a local council in its planning activity.

The Planning Act contains a clear statement of the provincial interests that must be considered in local land use planning. These include:

- the protection of the natural environment as well as significant natural and heritage features;
- the efficient use and conservation of energy;

- the provision of major communications and transportation facilities.

While these interests are general, the provincial cabinet can issue policy statements on specific concerns, such as protection of agricultural land. A municipality must “have regard” to such concerns when deciding on zoning or official plan matters.

What are the responsibilities of a Municipal Council?

The Minister can now give certain powers to municipalities that used to be the responsibility of the province. For example, the authority to approve plans of subdivision can be given to the councils of a regional municipality or a county, and to cities outside regions.

The Act also requires that every provincial ministry or agency— including Ontario Hydro— consult with a municipality and “have regard” to its planning policies before taking any action that may affect the use of land in the municipality.

The authority to plan your community rests directly with the elected municipal council. Council can, if it wants, appoint a planning advisory committee (composed of elected and non-elected persons) to assist and advise on planning issues, but all decisions are the responsibility of elected municipal officials.

What do Community Improvement and Property Standards mean?

Community improvement deals with renewal or improvement of existing development. Where a municipality has an official plan which includes overall objectives for community improvement, it may pass a bylaw to designate a specific community

improvement project area. The municipality may then prepare a community improvement plan which requires the same notice, meeting and appeal provision as an official plan.

If a municipality has the appropriate policies in its official plan, it may pass a property standards bylaw for the maintenance and occupancy of property, and to prohibit the use of property that does not meet these standards. It may require all sub-standard properties to be repaired and made to conform to the minimum standards.

If a municipality has a property standards bylaw in force, council may designate any area affected by the bylaw as an area of “demolition control”. No residential property in that area may then be demolished, in whole or in part, except under a permit issued by council.

How is land subdivided?

As a general rule, anyone who wants to divide land into two or more parcels in order to sell it, must either register a plan of subdivision, or obtain what is called a “consent” to land severance.

This applies throughout Ontario except for land that is acquired or sold by a federal, provincial or municipal government, or for construction of oil or gas pipelines. The Act also exempts conservation authorities when acquiring land for such uses as flood or erosion control.

What is a Registered Plan of Subdivision?

Basically, a registered plan of subdivision shows lots on which houses or buildings are to be erected as well as streets, parks, etc. It must be surveyed, approved and registered under the appropriate land registry system, before lots can be sold.

The land owner must also submit the plan to the Minister for approval, but this can be delegated to certain municipalities, as outlined earlier.

If the plan is not in conflict with the official plan or with a provincial interest, the approval authority will send it to the local municipality and to other interested provincial ministries or agencies for review because many matters must be considered, such as the provision of schools and the adequacy of public utilities.

Following this, the approval authority may give “draft approval” subject to a number of conditions, such as a dedication of five per cent of the land for parks.

Anyone may ask that a subdivision application be referred to the OMB at any time before draft approval. If the applicant asks for a referral, with written reasons, the authority must comply unless the request is not really genuine.

When the conditions of draft approval are satisfied, “final” approval is given and the plan is registered so that the new lots can be sold.

What is a Consent?

Another form of land division is the granting of a “consent”. A “consent to a land severance” authorizes a parcel of land to be separated from an adjoining parcel in order to sell, mortgage or lease it for more than 21 years.

Consent approval authority rests with the municipal councils who, in turn, may delegate it to a committee of council, an appointed official, a committee of adjustment or land division committee.

What about Northern Ontario?

In Northern Ontario joint planning boards for two or more municipalities, and often including additional unorganized areas, will continue to function. Membership on these boards comes from the councils involved and the community-at-large.

Plans prepared by these boards must be submitted to each municipal council in the planning area. After completing the public participation process, each council may adopt the plan, and send it to the Minister for approval. While, in most cases, the plan would be adopted by *all* councils involved, the plan may be sent to the Minister for approval if only a majority approve.

Also, responsibility for “consents” rests with the councils of the Regional Municipality of Sudbury and the cities of Thunder Bay, Sault Ste. Marie, Timmins, and North Bay. They can delegate to a committee of council, appointed official or committee of adjustment.

In all other areas of the north, the Minister is responsible but may delegate to a municipal council, or usually a planning board.

Where do I get information about Land Use Policy in my Municipality?

If you want to find out more about how land in your neighbourhood is planned you should get in touch with your own municipality. The Planning Act sets out the rules under which municipalities plan, but an understanding of these rules will help you know how you can be involved.

A copy of the Planning Act and a detailed "Guide to the Planning Act" can be obtained from the Ontario Government Bookstore, 880 Bay Street, Toronto, Ontario M5S 1Z8, or you can contact one of the following regional field offices of the Community Planning Advisory Branch, Ministry of Municipal Affairs and Housing:

Central Region

Suite 207, 47 Sheppard Ave. East
Willowdale, Ontario M2N 2Z8
(416) 224-7635, Zenith 5-2650

Northeastern Region

1191 Lansing Ave.
Sudbury, Ontario P3A 4C4
(705) 560-0120, Toll Free: 1-800-461-1193

Northwestern Region

435 James St. S.
Box 5000
Thunder Bay, Ontario P7C 5G6
(807) 475-1651, Zenith 5-2650

Southeastern Region

3rd Floor, 244 Rideau St.
Ottawa, Ontario K1N 5Y3
(613) 566-3801, Zenith 5-2650

Southwestern Region

7th Floor, 495 Richmond St. S.
London, Ontario N6A 5A9
(519) 673-1611, Toll Free: 1-800-265-4736



Ministry of
Municipal Affairs
and Housing

Ontario

Claude Bennett, Minister